

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. 10/790,027 Confirmation No. 9737
Applicant John A. Giordano *et al.*
Filed 2 March 2004
TC/Art Unit 1614
Examiner F.I. Choi
Docket No. 48508-00014
Customer No. 23767

For: COMPOSITIONS AND METHODS FOR NUTRITION SUPPLEMENTATION

DECLARATION OF JOHN A. GIORDANO UNDER 37 CFR § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, John A. Giordano, declare the following:

1. I am a co-inventor of the above-identified patent application, Serial No. 10/790,027.
2. I have read and I am familiar with the Office Action mailed 11 August 2004 pertaining to this application.
3. I understand that in the Office Action mailed 11 August 2004 the Examiner rejected claims 187-201 as anticipated under 35 U.S.C. §102(e) over Nidamarty *et al.*, U.S. Patent Application Publication No. 2003/0206969 ("Nidamarty"), and claims 187-201 and 217-231 as being obvious under 35 U.S.C. §103(a) in view of Nidamarty. A copy of the Nidamarty patent application publication is attached as Exhibit A.

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4. I have read and I am familiar with Nidamarty. It is my understanding that the Nidamarty patent application publication was filed provisionally on 2 May 2002 and published on 6 November 2003.

5. Attached as Exhibit B is a copy of a company proprietary confidential monograph prepared and published internally (publication date redacted), under my supervision, before 2 May 2002. The monograph summarizes and evidences the reduction to practice of the inventions disclosed and claimed in the present application Serial No. 10/790,027. The monograph describes, *inter alia*, a formulation for Vitafof-OB caplets comprising Vitamin A, Vitamin D, Vitamin C, Vitamin E, folic acid, Vitamin B1, Vitamin B2, Vitamin B6, Vitamin B12, niacin, calcium, iron, magnesium, zinc and copper, free of any other added minerals and any other added vitamins. In addition, the conception and reduction to practice of the inventions disclosed and claimed in the present application and described in this monograph occurred in the United States.

6. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and such willful false statements may jeopardize the validity of the application or any patents issuing thereon.


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Date 2/10/05

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VITAFOL-OB CAPLETS
NDC-0642-0079

Each caplet contains

VITAMINS:

A (Beta Carotene)	2700 IU
D (Cholecalciferol)	400 IU
C Ascorbic Acid	70 mg
E (as dl-alpha tocopheryl acetate)	30 IU
Folic Acid	1 mg
B1 (Thiamine Mononitrate)	1.6 mg
B2 (Riboflavin)	1.8 mg
B6 (Pyridoxine Hydrochloride)	2.5 mg
B12 (Cyanocobalamin)	12 mcg
Niacin (as Niacinamide)	18 mg

MINERALS:

Calcium (Calcium Carbonate)	100 mg
Elemental Iron (Ferrous Fumarate)	65 mg
Magnesium (Magnesium Oxide)	25 mg
Zinc (Zinc Oxide)	25 mg
Copper (Copper Oxide)	2 mg

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